

## Article - State Government

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§18–103.

(a) (1) An application for original appointment as a notary public shall be made on forms prepared by the Secretary of State and shall be sworn to by the applicant.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, an application by a resident of the State shall bear or be accompanied by the written approval of a Senator representing the senatorial district and subdistrict in which the applicant resides or, if that office is vacant, by any Senator's written approval.

(ii) If a Senator has delegated approval authority under § 18–101 of this subtitle, the application shall bear or be accompanied by the written approval of the Secretary of State.

(3) An application by an out-of-state individual shall bear or be accompanied by the written approval of a Maryland State Senator.

(4) Completed applications shall be filed with the Secretary of State.

(b) When the appointment is made by the Governor, the Secretary of State shall notify the applicant.

(c) (1) The term of a notary public commission is 4 years.

(2) The Secretary of State shall adopt, by regulation, a staggered system for the expiration and renewal of notary public commissions.

(d) (1) Notary public commissions may be renewed from term to term, and the Secretary of State shall issue an application of renewal to the notary public at or prior to the expiration of the term of the existing commission.

(2) On receiving of a satisfactory application of renewal from the notary, the Secretary shall issue a notice of renewal to the notary.

(3) Within 30 days after the issuance by the Secretary of State of a notice of appointment or renewal, the notary shall qualify before the appropriate clerk of the court and pay the fees prescribed in subsection (e) of this section.

(4) An out-of-state individual commissioned as a notary shall qualify before the clerk of the circuit court in any county and pay the fees prescribed in subsection (e) of this section.

(5) The appointment and commission of any notary who fails to qualify and pay the fees within the time required under this subsection shall be revoked.

(6) If an appointment and commission is revoked under this subsection, the court clerk shall return the commission to the Secretary of State with a certification that the notary failed to qualify and pay the fees within the required time.

(7) The Secretary of State for good cause shown may reinstate the appointment and commission.

(e) (1) At the time the notice of appointment or the notice of renewal is issued, the Secretary of State shall forward to the clerk of the circuit court of the county in which the notary resides or in the case of a notary who lives out-of-state, to the clerk of the circuit court in the county where the notary is to qualify, a commission signed by the Governor and Secretary of State under the great seal of the State.

(2) The clerk of the court shall deliver the commission to the notary upon qualification and payment of the prescribed fees by the notary.

(3) Each notary shall pay to the clerk:

(i) a fee of \$1 for qualifying the notary and registering the name, address, and commission expiration date of the notary; and

(ii) a fee of \$11 or a lesser amount as prescribed by the Secretary of State for the commission issued.

(4) The fee shall be paid by the clerk to the Treasury of the State.

(5) (i) The Secretary of State may fix other reasonable fees as required for the processing of applications and the issuance and renewal of notarial commissions and may charge a reasonable fee not exceeding \$25 for checks returned for insufficient funds.

(ii) The Secretary of State shall distribute any fees collected under subparagraph (i) of this paragraph to the Notary Public Fund established under § 18-109 of this subtitle.

(6) (i) 1. Except as provided under subparagraph (ii) of this paragraph, if a payment of a fee under this section is made by a check or other negotiable instrument that is dishonored, the commission shall be revoked by operation of law.

2. The revocation is effective beginning on the 60th day after the day on which the notice is sent in accordance with subparagraph (ii) of this paragraph.

(ii) When the Secretary of State receives notice that a check or other negotiable instrument, given by an applicant in payment of a fee under this section has been dishonored, the Secretary shall inform the applicant, by regular mail, sent to the last home address the applicant has given to the Secretary, that the commission will be revoked by operation of law if within 60 days after the date of the notice the applicant fails to make payment of the fee and any late charge, or fails to provide evidence that the notice of dishonor was in error.

(iii) The removal of a notary public from office under this paragraph is not subject to the provisions applicable to removal under § 18–104 of this subtitle.

(f) The Secretary of State may prepare and adopt forms as required under this section, including the form of original and renewal applications, the form of commissions, and forms for renewal of commissions.

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